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THE HISTORY OF THE MALAY FIQH DEVELOPMENT: AN ANALYSIS OF THE MANUSCRIPT 'QAWANIN AL-MUBTADI' FI AL- FIQH' WORK BY ABDURRAHMAN HUSIN AL- KELANTANI, MUFTI OF 'AMANTUBILLAH'

Abstract:

This study examines the history of the development of Malay *fiqh* through the analysis of the manuscript *Qawanin al-Mubtadi' fi al-Fiqh* by the Mufti of Mempawah, Abdurrahman Husin al-Kelantani. This manuscript is one of the intellectual heritages in the tradition of Islamic scholarship in the Nusantara, especially in the field of *fiqh*. This study focuses on tracing the background of the compilation of the manuscript, its structure and content, and its influence on the development of Islamic law in the Malay region. This study uses a historical approach, which combines philological and contextual analysis of the manuscript. The results of the study show that this manuscript is related to the Syafi'i school of thought and the *ijma'* *fuqaha*. This manuscript reflects the characteristics of *fiqh* that developed in the Malay region in the 19th century. Abdurrahman's thoughts made a significant contribution to Islamic legal education and practice in the Mempawah Sultanate and its surrounding areas. This study also highlights that the development of *fiqh* in the Malay region was greatly influenced by the role of local scholars in producing *fiqh* works that were relevant to the socio-cultural context of their communities.

Keywords: The History of Fiqh, Malay, Islamic Manuscript, *Qawanin al-Mubtadi' fi al-Fiqh*, Abdurrahman Husin al-Kelantani, Mempawah.

Introduction

The development of fiqh in the Malay region is a crucial aspect of Islamic legal history, illustrating how Islamic teachings adapted to local cultures and traditions. In the study of Islamic law, fiqh evolved through codification by scholars (*ulama*), resulting in various fiqh texts that served as primary references for Muslim communities. The Shafi'i school of thought (*madhhab*) became the dominant reference in the Malay region, as reflected in numerous fiqh manuscripts authored by local scholars.

The study of fiqh manuscripts holds significant value in understanding how Islamic law was interpreted, taught, and applied within Malay society. One approach to examining the development of fiqh in the Malay region is through the analysis of preserved fiqh manuscripts. A philological study of these manuscripts allows for the reconstruction of Islamic legal history based on primary sources.

One such manuscript is *Qawanin al-Mubtadi' fi al-Fiqh*, authored by the Mufti of Mempawah, Abdurrahman Husin al-Kelantani. This work remains largely unexplored in academic research. Therefore, this study aims to investigate the historical background of its composition, its content, and its influence on the development of Islamic law in the Malay region.

The manuscript written by Abdurrahman Al-Kelantani, the last mufti of the Amantubillah Mempawah Kingdom, survived the Japanese occupation, which is known as the "Mandor Incident." Abdurrahman Al-Kelantani was a student of the renowned Kelantanese scholar Tok Kenali. He came to West Kalimantan at the invitation of his friend Basuni Imran, a reformist mufti of the Sambas Kingdom who had an educational background in Mecca and Egypt.¹

The exact year of Abdurrahman Al-Kelantani's birth is unknown, but he passed away in 1971 in Mempawah. Writings about him can be traced through the works of his student, Wan Shagir Abdullah, the founder of the Al-Fathaana Islamic

¹ Risa, *Perkembangan Islam di Kesultanan Sambas Kajian atas Lembaga Keislaman Pada Masa Pemerintahan Sultan Muhammad Syafiuddin II Tahun 1866-1922* (Yogyakarta: Ombak, 2018).

boarding school (*pondok pesantren*) in Mempawah.² The teachers at the Fathaniyah *pesantren* were recruited from Abdurrahman Al-Kelantani's students, who were alumni of *Pondok Pesantren* Darul Ulum. The educational system at this *pesantren* still follows the *sorogan* method.

Abdurrahman Al-Kelantani's residence was located across from the Jami Mosque of Mempawah, where he used to teach. Tracing his works has been challenging due to a fire that destroyed his home. However, the manuscript *Qawanin al-Mubtadi' fi al-Fiqh* was preserved because it was stored in the Amantubillah Mempawah palace.

After several years of serving as a religious teacher in Sambas, he was invited by the King of Mempawah to become the mufti of the Amantubillah Mempawah Kingdom, where he served as both a teacher within the royal court and for the general public. The Mempawah Kingdom was once a center for the spread of Islam during the reign of Opu Daeng Manambon, with its mufti, Habib Husin Al-Qadri from Yemen.³ Habib Husin Al-Qadri's students came from various kingdoms, including Raja Anom from the Sekadau Kingdom. Although the Mempawah Kingdom had transformed from a Hindu kingdom into an Islamic kingdom based on Sharia and local customs, there were still errors in religious practices. This situation, along with encouragement from his family, led Abdurrahman Al-Kelantani to write about fiqh for beginners.

Abdurrahman Al-Kelantani sought to enhance religious understanding and correct the worship practices of the people of Mempawah through his work *Qawaninul Mubtadi Fil Fiqh*. This manuscript was written in *Pegon* script, in the Malay language, and in a dialogue format, addressing the religious issues faced by the community. It's simple writing style and use of Malay made it easier for people to understand fiqh matters, as it was written in

² Fathaniyah, "Peran H. Wan Mohd. Shaghir Abdullah dalam Pendidikan Islam di Kalimantan Barat" (IAIN Pontianak, 2021).

³ Fitri Kusumayanti dan Patmawati, "Kaum Al-Hadramaut dan Penyebaran Islam di Kalimantan Barat," *Jurnal Pendidikan, Kebudayaan dan Keislaman* 2, no. 1 (2023).

their everyday language, making it highly suitable for beginners studying fiqh.

In his manuscript, Abdurrahman Al-Kelantani advised readers that if they found any shortcomings in his discussion, they should make corrections.⁴ This indicates that he was a mufti who was open to criticism and did not oppose revisions to his work.

Manuscripts in West Kalimantan are scattered among the local community; however, many of them have unfortunately been relocated to other countries, such as Brunei Darussalam. The study of these manuscripts has become urgent before they completely disappear from West Kalimantan. Examining these manuscripts provides valuable lessons (*ibra*) for both the present and future generations, emphasizing that the pursuit of truth does not rely solely on the author's thoughts but also requires suggestions and criticisms from readers to achieve a more perfect manuscript. Abdurrahman Al-Kelantani highlighted the necessity of inclusive thinking in addressing religious practice issues within the community.

Based on the researcher's investigation, there are still very few historians and philologists who focus on the works of Islamic scholars from West Kalimantan. This is despite the fact that the region was once home to Hindu kingdoms that later transformed into Islamic kingdoms, except for the Kubu and Pontianak kingdoms, which were established as Islamic kingdoms from the beginning.

Each kingdom had its own king and *mufti* who paid significant attention to the tradition of writing. Sultan Syafiuddin of the Sambas Kingdom, for instance, wrote about the genealogy of the Sambas kings, while Syarif Saleh Al-Idrus, the king of Kubu, authored *Nasihah Zaman*. The most prolific *mufti* was Ismail Mundu, whose works covered topics such as *tawhid*, history, collections of sermons, *fiqh*, *tasawwuf*, and more.⁵ Abdurrahman Al-Kelantani contributed to this literary tradition with his work *Qawaninul Muftadi Fil Fiqh*. In West Kalimantan, several

⁴ Abdurrahman Al-Kelantani, *Qawaninul Muftadi Fil Fiqh* (1934).

⁵ Baidhillah Riyadhi, *Guru Haji Ismail Mundu (Ulama Legendaris dari Kerajaan Kubu)* (Kubu Raya: Dinas Kebudayaan Pariwisata Pemuda dan Olahraga, 2011).

manuscripts have also been discovered without known authors, such as *Lontara Attorioloang ri Wajo*.

There are several relevant previous studies, namely: Faizal Amin's research, *Kitab Rukun Istinjaq: Integration of Fiqh and Sufism in the Early 19th Century of the West Borneo Hinterland*⁶ Muhammad Lutfi Hakim's research, *Ismail Mundu on Islamic Law of Inheritance: A Content Analysis of Majmū' al-Mīrāth fī Ḥukm al-Farā'id*;⁷ and Saifuddin Herlambang et al.'s research, *Husn al-Jawāb 'an Ithbāt al-Ahillah bi al-Ḥisāb: Basyuni Imran's Method for Standardising the Determination of the Qamariyah Month in the Sultanate of Sambas (1913–1976)*. These three studies indicate that fiqh manuscripts in the Malay–Indonesian world (Nusantara) function not only as normative texts of Islamic law but also as media for adapting Islamic teachings to the social, cultural, and intellectual contexts of local communities. Faizal Amin's study emphasizes the integration of fiqh and Sufism in the *Rukun Istinjaq* manuscript, which played an important role in a peaceful, adaptive, and moderate process of Islamization in the hinterland of West Kalimantan. Muhammad Lutfi Hakim's study of *Majmū' al-Mīrāth fī Ḥukm al-Farā'id* by Ismail Mundu demonstrates the strengthening of the Shāfi'ī school in the practice of Islamic law in Nusantara, while also introducing pedagogical innovations in the form of charts and practical formulas to facilitate beginners' understanding of Islamic inheritance law. Meanwhile, Saifuddin Herlambang et al.'s study reveals Basyūnī 'Imrān's contextual and moderate approach to determining the beginning of the Qamariyah month through the *hisāb* method, which is based on geographical and social considerations as well as textual legitimacy, and aims to adapt the

⁶ Faizal Amin, "Kitab Rukun Istinjaq: Integration of Fiqh and Sufism in the Early 19th Century of West Borneo Hinterland.," *Ulumuna: Jurnal Studi Keislaman* 26, no. 1 (2022).

⁷ Muhammad Lutfi Hakim, "Ismail Mundu on Islamic Law of Inheritance: A Content Analysis of Majmū' al-Mīrāth fī Ḥukm al-Farā'id," *Jurnal Al-Jami'ah* 61, no. 1 (2023).

application of Islamic law to societal needs and scientific developments without abandoning the principles of the Sharī‘ah.⁸

The research gap in these three studies lies in their thematic, partial, and contextual tendencies, as each focuses only on a particular branch of fiqh or specific legal issues within limited spatial and temporal scopes, without examining the historical and comprehensive development of Malay fiqh as a structured scholarly tradition. In addition, the manuscripts examined in previous studies have not been explicitly positioned as representations of the history of codification and intergenerational transmission of Malay fiqh. Therefore, the present study entitled ‘The History of the Development of Malay Fiqh: An Analysis of the Manuscript Kitab Qawānīn al-Mubtadi’ fī al-Fiqh by the Mufti of Mempawah, Abdurrahman Husin al-Kelantani*, seeks to fill this gap by examining Malay fiqh as a system of Islamic law and education for beginners, while at the same time affirming its position, characteristics, and contributions within the historical map of Islamic law in Nusantara.

Research Method

This study is a manuscript research focusing on the ancient text *Qawānīn al-Mubtadi’ fī al-Fiqh*, using historical and philological approaches. The manuscript explores various *fiqh* (Islamic jurisprudence) issues as practiced in the daily lives of the Malay Mempawah community. The historical approach is used to uncover the background of the manuscript’s composition, the patterns of thought, and the *fiqh* practices followed by the author and the Malay Mempawah community. Meanwhile, the philological approach aims to analyze the description and content of the manuscript. The research process began with identifying the manuscript as the main object of study, followed by the inventory stage. During the inventory process, the researcher examined *fiqh* manuscripts in West Kalimantan and found several texts written by kings, *muftis*, and scholars. However, in these

⁸ Saifuddin Herlambang et.al., “Ḥusn Al-Jawāb ‘an Ithbāt al-Ahillah Bi al-Ḥisā: Basyuni Imran’s Method for Standardising the Determination of the Qamariyah Month in the Sultanate of Sambas (1913-1976),” *Journal of Islamic Law* 5, no. 2 (2024).

manuscripts, *fiqh* discussions were combined with other themes rather than being written as a complete and dedicated *fiqh* manuscript. For instance, Syarif Saleh Al-Idrus, the King of Kubu, discussed *fiqh* and *tawhid* in his manuscript *Nasebat Zaman*.⁹ Similarly, Ismail Mundu, the *mufti* of the Kubu Kingdom, addressed *fiqh* in his sermon manuscripts. A dedicated discussion of *fiqh*, however, was found in the manuscript of Abdurrahman Al-Kelantani, the *mufti* of the Amantubillah Mempawah Kingdom, titled *Qawaninul Muftadi Fil Fiqh*.

After completing the manuscript inventory, the researcher conducted a description of the manuscript obtained from the Amantubillah Mempawah palace. This step codicological stage, the researcher identified the physical condition of the manuscript, the text content, and the author's identity to produce a comprehensive description of both the manuscript and the text. The physical condition of the *Qawaninul Muftadi Fil Fiqh* manuscript remains intact, consisting of 34 pages and still readable. It was completed on the 22nd of Dzulqa'dah in the year 1353 H in Mempawah. The next step was transliteration from *Pegon* script to Latin script, allowing wider access for people to read and understand Abdurrahman Al-Kelantani's *fiqh* thoughts during his time through this ancient manuscript. Following the transliteration, the researcher translated the text into Indonesian. The translation revealed that the discussion was structured into 23 chapters. Finally, the researcher conducted a content analysis (*content analysis*) to further examine the manuscript's discussions.

Content analysis in this study is applied as a systematic technique to uncover the structure, themes, and legal functions contained in the manuscript **Qawānīn al-Muṭṭadi' fī al-Fiqh**. The analytical procedure begins with the determination of units of analysis in the form of articles and the question-and-answer format found in the manuscript, followed by the identification of legal themes, the scope of discussion, and the types of *fiqh* issues addressed by the author. Subsequently, the textual content is

⁹ Al Fakhri Zakirman, "Fatwa Riba Raja Kubu Kedelapan Syarif Saleh Idrus Alaydrus," *Al Hikmah* 12, no. 2 (2018).

classified into thematic categories such as *ṭahārah*, *ibādah*, *mu‘āmalah*, family law, and social law in order to identify patterns of material dominance and the legal priorities emphasized. Each fiqh provision is then analyzed contextually by referring to the views of the *jumhūr al-fuqahā’* and the Shāfi‘ī school to assess its scholarly consistency and authority, while also interpreting it in relation to the social needs of the Malay community of Mempawah. Through these stages, content analysis enables the manuscript to be understood not merely as a normative text, but as an operational reference that functioned in legal decision-making by muftis, religious judges, and community leaders.

Theoretical Framework

a. Historical Theory in Historical Research

History is a discipline that seeks to reconstruct past events based on available sources. According to Kuntowijoyo, history is not merely a retelling of past events but also an interpretation of their meaning within a broader context. In historical research, four main steps must be followed: heuristics (source collection), source criticism, interpretation, and historiography.¹⁰ This approach is used to gain a deeper understanding of specific events, figures, or phenomena based on the available evidence. Therefore, in the historical study of the development of *fiqh* in the Malay world, historical theory serves as the primary foundation for tracing the social, political, and intellectual background behind the composition of *Qawanin al-Mubtadi’ fi al-Fiqh*, written by the *Mufti* of Mempawah, Abdurrahman Husin al-Kelantani.

Sartono Kartodirjo described that historical research must consider the social, economic, and political structures that influence the development of an event or idea. History is not merely a record of chronological events but also an effort to understand how a society’s social and cultural conditions contribute to the emergence of a particular thought or scholarly

¹⁰ Kuntowijoyo, *Pengantar Ilmu Sejarah* (Yogyakarta: Bintang Pustaka, 2005).

work.¹¹ In the context of this study, historical theory helps explain how the development of *fiqh* in the Malay region was influenced by the social and political dynamics of the time.¹² The Mempawah Sultanate, where *Mufti* Abdurrahman Husin al-Kelantani worked, had extensive intellectual networks with Islamic study centers in the Malay world and the Middle East, which played a role in shaping the Islamic legal thought reflected in his work.

Collingwood, in his work *The Idea of History*, explains that history is a form of reconstructed thought carried out by historians based on available sources.¹³ Historians must be able to interpret historical evidence, not merely record it. Therefore, in the study of the manuscript *Qawanin al-Mubtadi' fi al-Fiqh*, the historical approach is used to uncover the context in which the book was written and its influence on the development of *fiqh* in the Malay region. Through this approach, the research does not focus solely on the textual content of the book but also examines how it played a role in the dynamics of Islamic law during its time.

b. The Ulama Network Theory

The Ulama Network Theory is an approach in the study of Islamic history that highlights the role of ulama in disseminating knowledge and establishing scholarly networks across regions.¹⁴, in his book *Jaringan Ulama Timur Tengah dan Kepulauan Nusantara Abad XVII dan XVIII* (The Ulama Network of the Middle East

¹¹ Sartono Kartodirjo, *Pendekatan Ilmu Sosial dalam Metodologi Sejarah* (Jakarta: PT. Gramedia, 1992).

¹² Muhammad Adil, "Fikih Melayu Nusantara Masa Kesultanan Palembang Darussalam," *AHKAM: Jurnal Ilmu Syariah* 18, no. 2 (July 2018): 347–74; Achmad Roziqi et al., "Institutional Ijtihād and Socio-Legal Adaptation: The Formulation of Waṣīyah Wājibah in Indonesia's Compilation of Islamic Law," *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 59, no. 1 (June 2025): 1–18; Ahmad Sharifuddin Mustapha et al., "Al-Fatani's Perspectives on Islamic Family Law: Insights from Hidayah Al-Muta'allim Wa'Umdah Al-Muta'alim," *Journal of Islamic Thought and Civilization* 14, no. 1 (June 2024): 247–65; Abu Bakar, "The Royal Throne of Tuan Besar in the Restoration of Kubu Kingdom: A Nasab Fiqh Perspective," *Al-Albab* 11, no. 1 (July 2022): 27–44.

¹³ R. G Collingwood, *The Idea of History* (Oxford University Press, 1993).

¹⁴ Azyrumardi Azra, *Jaringan Ulama* (Jakarta: Prenada Media, 2004).

and the Nusantara Archipelago in the 17th and 18th Centuries), explains that the ulama network functioned as a medium for spreading Islamic teachings through teacher-student relationships, intellectual traditions, and the production of Islamic literature. Ulama involved in this network often traveled to major centers of Islamic learning, such as Mecca, Medina, and Egypt, to acquire knowledge before returning to their homelands to teach the Islamic understanding they had gained. In the Malay region, the ulama network played a crucial role in the Islamization process and the dissemination of Islamic law, including the influence of the Shafi'i school of thought in the area.

Michael F. Laffan, in his work *The Making of Indonesian Islam: Orientalism and the Narration of a Sufi Past*, argues that the ulama network in the Nusantara not only reflects academic connections but also carries social and political implications.¹⁵ Ulama served as spiritual leaders and legal advisors who shaped the social order within local Islamic communities. Their connections with Islamic learning centers in the Middle East ensured the alignment of Islamic teachings in the Malay region with global Islamic traditions. In the context of the *Qawanin al-Mubtadi' fi al-Fiqh* text, the ulama network theory helps explain how fiqh (Islamic jurisprudence) from the Middle East reached the Malay world and how this text reflects the influence of global Islamic legal thought within local traditions. According to Laffan, the ulama network in Indonesia was not only responsible for the transmission of religious knowledge but also had social and political dimensions. Ulama returning from the Middle East often became spiritual leaders and legal advisors in their communities, playing a crucial role in spreading Islamic teachings in line with the dominant Shafi'i school of thought in the Malay region. Additionally, these ulama were actively involved in writing Islamic texts in Arabic, Jawi (Malay written in Arabic script), and Pegon (Javanese written in Arabic script), strengthening the pesantren-based Islamic education system. This network facilitated a uniform

¹⁵ Michael F. Laffan, *The Making of Indonesian Islam: Orientalism and the Narration of a Sufi Past* (Princeton: Princeton University Press, 2011).

understanding of Islam in Indonesia, although variations in the implementation of Islamic law persisted due to local customs.¹⁶

c. Fiqh as a Legal Basis

Scholars agree that every conscious action and statement made by an individual carries legal implications. Social transactions, legal matters, and all aspects of personal behavior are encompassed within Sharia as a comprehensive guide to life. The challenge lies in how Sharia can be understood. After the passing of the Prophet Muhammad (peace be upon him), two primary sources were used to interpret Sharia: the Qur'an and Hadith. However, as Islamic society evolved and became more complex, new legal needs arose that were not explicitly addressed in the Qur'an and Hadith.¹⁷ This is where reason and understanding, which are closely associated with *fiqh* (Islamic jurisprudence), become essential¹⁸. According to Harun Nasution, as cited by Abdul Munir Mulkhan, there are 49 verses in the Qur'an that emphasize the use of reason, signifying comprehension and understanding.¹⁹

The existence of *fiqh* aims to establish and maintain balance in society, ensuring the well-being (*maslahah*) of all living beings and the universe. According to Abu Zahra, as cited by Abd.

¹⁶ Asman Asman, "Harmonisation of Dayak Customary Sanctions with Islamic Law: The Case Study of Dimly Lit Cafe in West Kalimantan," *Al-Ma'zabib: Jurnal Perbandingan Hukum* 13, no. 1 (June 2025): 29–52; Gusti Muzainah, Anwar Hafidzi, and M. Fahmi al-Amruzi, "Integrating Religious and Customary Financial Obligations in Banjarese Marriages: Muhammad Arsyad al-Banjari's Islamic Legal Thought on Balanja al-Nikāḥ," *Journal of Islamic Law* 6, no. 2 (August 2025): 358–76.

¹⁷ Moh. Nor Ichwan, David Ming, and Mokh Sya'roni, "Bridging Tradition and Modernity: Integrating Classical Interpretation and Modern Hermeneutics through Ijtihad in Qur'an Studies," *Pharos Journal of Theology* 106, no. 2 (March 2025): 1–12; Maqdis and Rizqotul Luqi Mufidah, "The Dialectics of Text and Reason: Badr al-Dīn al-Zarkashī's Contribution to Qur'anic Interpretive Methodology in the 8th Century Hijriyah," *Basmala: Journal of Qur'an and Hadith* 1, no. 1 (July 2025): 86–114.

¹⁸ Fazlur Rahman, *Islam Sejarah Pemikiran dan Peradaban* (Bandung: Mizan, 2017).

¹⁹ Abdul Munir Mulkhan, *Paradigma Intelektual Muslim Pengantar Filsafat Pendidikan Islam dan Dakwah* (Yogyakarta: SIPRESS, 1994).

Rasyid As'ad, *fiqh* is the knowledge of *shar'i* (Islamic legal) rulings related to the actions of those who are legally accountable (*mukallaf*), derived through *ijtihad* (independent reasoning) from detailed legal sources. *Fiqh* serves as a means to practice Islamic teachings.²⁰ For instance, a Muslim who is ill or traveling cannot perform prayer (*shalat*) without first performing *tayammum* (dry ablution). The procedures for *shalat*, *tayammum*, fasting (*sawm*), almsgiving (*zakat*), and pilgrimage (*hajj*) are guided by rulings formulated by scholars in *fiqh* manuscripts, such as *Qawanin al-Mubtadi' fi al-Fiqh*, written by Abdurrahman Al-Kelantani.

Fiqh is a product of *ijtihad*, which refers to the exertion of all intellectual effort to determine a specific legal ruling that is not explicitly stated in the Qur'an and Sunnah. *Ijtihad* is bound by the following conditions. First, the rulings derived from *ijtihad* are not considered absolute decisions, as *ijtihad* is a human intellectual endeavor that is inherently relative, meaning its outcomes are also relative. Second, The rulings of *ijtihad* may apply to a specific person, time, and place but may not be applicable to others in different contexts. Third, *Ijtihad* is not applicable in matters of *ibadah mahdhah* (acts of pure worship) because they already have established and fixed regulations. Fourth, *Ijtihad* must not contradict the Qur'an and Sunnah. Fifth, The implementation of *ijtihad* must consider motivation, consequences, public welfare (*maslahah*), collective benefit, and the values that characterize and embody the essence of Islamic teachings (Supan Kusumamihardja, 1985).

According to Muhammad Hasyim Asy'ari, the founder of the Tebu Ireng Islamic boarding school in Jombang and the initiator of the Nahdlatul Ulama (NU) organization, as cited by Dadie W. Prasetiyo and Muhammad Muhlisin Muhammad Taufiq Maulana,²¹ it is obligatory for anyone who has not reached the level of an absolute *mujtahid* to follow (*taqlid*) one of the four *mazhab* (Islamic legal schools). "The majority of scholars hold that it is obligatory to follow (*taqlid*) and adhere to the fatwas of

²⁰ Abd. Rasyid As'ad, *Fiqh Islam dengan Pendekatan Kontekstual*, 2013.

²¹ Dadie W. Prasetiyo and Muhammad Muhlisin Muhammad Taufiq Maulana, *Fiqh Muslim Bali Kelembutan Fikih Menyikapi Keharmonisan Umat Islam dan Hindu di Pulau Dewata* (Yogyakarta: Razka Pustaka, 2018).

credible scholars in the field of *ijtihad* for those who do not possess the capacity for absolute *ijtihad*, even if they have mastered certain areas of knowledge in depth. Such individuals are free to choose any *mujtabid* scholar they prefer. This ruling is based on the Quranic verse: ‘Ask those who have knowledge if you do not know.’ Here, Allah commands those who lack knowledge on a matter to seek guidance from those who are experts in the field.”

The Qur’an commands following credible *mujtabid* while prohibiting adherence to those who lack knowledge, as stated in Surah Al-Jathiyah, verse 18: “*Then We put you (O Muhammad) on a clear path of (Our) command, so follow it, and do not follow the desires of those who do not know.*” The foundation of *fiqh* is the well-being (*maslahah*) of all creatures and the universe. According to Abu Al-Rabi Sulaiman bin Abdul Qawi bin Abdul Karim bin Sa’id al-Tufi, known as Najmudin Al-Tufi—a scholar of *fiqh*, *usul fiqh*, and *hadith* from the Hanbali school who lived in the late 7th or early 8th century Hijri—*maslahah* is divided into two categories. First, *Maslahah* intended by *al-shar’i* (Islamic law) for its own sake, such as various acts of *ibadah mahdhah* (pure worship). Second, *Maslahah* intended by *al-shar’i* for the benefit of His creation and the order of their lives, such as various forms of *mu’amalah* (social and economic transactions) ²². An example of a manuscript containing regulations on *mu’amalah* can be found in *Nasebat Zaman*, written by Syarif Saleh Al-Idrus, the ruler of Kubu.

Findings and Discussion

a. Biography of Abdurrahman Husin Al-Kelantani

The discussion of the figure of Abdurrahman Husin al-Kelantani will be highlighted by examining the surrounding socio-historical context. Abdurrahman was born in Kelantan, Malaysia, and passed away in Mempawah in 1976, a region that produced many influential scholars, among them Muhammad Yusuf bin

²² Rifki Kurnia Wassan, *Epistimologi Maslahah sebagai Pijakan Fiqh Indonesia*, 2019; Fatma Amilia et al., “The Gendered Politics of Maslahah: Patriarchal Tendencies in the Legal and Judicial Justification of Polygamy,” *Ay-Syir’ah: Jurnal Ilmu Syari’ah dan Hukum* 58, no. 2 (December 2024): 241–72.

Ahmad, better known by the title Tok Kenali, the founder of the Tok Kenali Islamic boarding school. Ismail bin Abdul Majid al-Kelantani also served as a mufti in the Pontianak Sultanate. Abdurrahman bin Husin al-Kelantani had three sons and three daughters. His sons were Muhammad Aziz Abduh, Abdul Malik, and Hasbullah, while his daughters were Mahfuzah, Wahhaja, and Hana. The following section presents a profile of Abdurrahman Husin al-Kelantani.

Figure 1

Abdurrahman Husin al-Kelantani



Abdurrahman Husin al-Kelantani founded the Darul Ulum Islamic boarding school in Terusan, Mempawah. His students played an important role in the spread of Islam through the field of education. One of his students, Wan Sagir Abdullah, established the Fatanah Islamic boarding school in Sungai Bundung, Mempawah. Another student, Zainal Arifin Muhammad, founded the al-Falah Islamic boarding school, while M. Shaleh Nazam established an Islamic boarding school in Sengkubang.²²

The period of Abdurrahman Husin al-Kelantani marks the entry into the twentieth-century phase of Islam characterized by the practice of Shari'ah-based Islam. The influence of reformist movements from the Middle East shaped the approaches adopted by scholars in West Kalimantan. Prior to the twentieth century, Islam was introduced in a very simple manner, namely through the recitation of the two testimonies of faith (shahadatayn), abstention from pork, marriage, and burial according to Islamic rites. After the twentieth century, several scholarly works emerged that addressed issues of Shari'ah. Among them, Abdurrahman bin Husin al-Kelantani wrote *Qawānīn al-Mubtadi' fī al-Fiqh*, Syarif

Saleh al-Idrus authored *Nasihah Zaman*, which discusses usury (*ribā*), and Ismail Mundu compiled marriage schedules. The Mempawah community thus entered a new phase as practitioners of Islam in a *kāffah* (comprehensive) manner, in which *Shari'ah* was consciously studied, understood, and practiced in daily life. This transformation was supported by the establishment of various study circles (*pengajian*), Islamic boarding schools (*pondok pesantren*), and madrasahs within the sultanates of West Kalimantan. Muftis, scholars, and Qur'anic teachers were appointed by the sultanates to educate the community, from the basic level to the practical application of *Shari'ah*.

The shift in the phase of *Shari'ah* practice was supported by the ruling authorities, who also played an important role in accelerating the spread of knowledge among the community. The teaching and study of the Qur'an flourished, as the Qur'an is the primary source and guide for the implementation of Islamic law. Rulers (*umara'*) and scholars (*'ulamā'*) were actively involved in copying the Qur'an. Based on the author's investigation, there is a Qur'an manuscript written by Syarif Abdurrahman al-Qadri, the ruler of Pontianak, as well as a *muṣḥaf* written by Syarif Muhammad al-Idrus, the founder of the Kubu Sultanate. There are also Qur'anic manuscripts owned by the sultanates whose scribes remain unidentified.

b. Manuscript Description *Qawaninul Muḥtadi fi Fiqh*

Mufti Abdurrahman Al-Kelantani was a scholar who began his career as a religious teacher in the Sambas Kingdom before continuing his religious teachings in the Mempawah Kingdom, where he served as the last mufti. He made significant contributions to religious understanding, teaching subjects ranging from Arabic grammar (*nahwu*) to *fiqh* ²³. The only surviving work of Abdurrahman Al-Kelantani, saved from the flames, is his *fiqh* manuscript titled *Qawaninul Muḥtadi fi al-Fiqh*.

Qawaninul Muḥtadi fi al-Fiqh, written by Abdurrahman Al-Kelantani, was inspired by encouragement from his family, who

²³ Patmawati dan Istiqamah, H. *Abdurrahman Bin Husin Kelantan Mufti Terakhir Kerajaan Mempawah*, 2024.

observed the limited understanding of proper worship practices among the people of Mempawah. This concern motivated Abdurrahman Al-Kelantani to write a *fiqh* manuscript for beginners, using very simple language that was easy for grassroots communities to understand. One of the strengths of this manuscript lies in its dialogical format. Each discussion begins with a question related to worship practices, followed by a detailed explanation that answers the question.

The description of the *Qawaninul Muftadi fi al-Fiqh* manuscript is conducted as an initial step in researching the manuscript and as a depiction of its overall physical condition. According to Oman Fathurahman, as cited by Patmawati and Besse Wahidah, manuscript description serves as a means of providing information regarding the physical condition of the manuscript, the content of the text, as well as the authorship and transcription details, with the aim of producing a comprehensive description of both the manuscript and the text.²⁴

The manuscript description begins with the title, *Qawaninul Muftadi fi al-Fiqh*, authored by Abdurrahman bin Husin Al-Kelantani. The title and author's name are displayed on the manuscript's cover. The completion of the manuscript is recorded on the final page, page 34, indicating that it was finished in the year 1353 H. The *Qawaninul Muftadi fi al-Fiqh* manuscript was written for beginners in the study of *fiqh*, as there were still errors in the practice of religious rituals among the Malay Mempawah community.

The *Qawaninul Muftadi fi al-Fiqh* manuscript was obtained by a student from the Amantubillah Palace in Mempawah. The manuscript was traced by students enrolled in the *Islam and Borneo Culture* course. Its presence in the palace is attributed to Abdurrahman, who served as both a mufti and a teacher within the palace environment. According to Hana, Abdurrahman Al-Kelantani's youngest daughter, her father taught at the palace every Monday and Thursday from 5:30 PM to 10:00 PM ²⁵.

²⁴ Patmawati and Besse Wahidah, *Konsep Ketauhidan dalam Naskah Kuno Lontara Attorioloang Ri Wajo* (Pontianak: IAIN Pontianak Press, 2018).

²⁵ Patmawati dan Istiqamah, H. *Abdurrahman bin Husin Kelantan Mufti Terakhir Kerajaan Mempawah*.

The condition of the *Qawāninul Mubtadi fi al-Fiqh* manuscript is still good; it remains intact and readable, except for page 4 in the section on *istinja'*. In the question regarding whether *istinja'* is obligatory, one word after the term *istinja'* is unreadable. The manuscript consists of 34 pages. Each page contains 20 lines, except for the cover page and introduction, which have 16 lines, while the final page (page 34) has the fewest lines, totaling 15. The *Qawāninul Mubtadi fi al-Fiqh* manuscript is written in *Pegon* or *Arab Jami* script using the Malay language. The writing medium is ordinary brown-colored paper with black ink. The manuscript's age can be determined from the final page (page 34), which states that it was completed in the year 1353 H or 1934 CE. This indicates that the *Qawāninul Mubtadi fi al-Fiqh* manuscript is approximately 90 years old.

The author of the manuscript *Qawāninul Mubtadi fi al-Fiqh* is Haji Abdurrahman bin Husin Al-Kelantani. He was originally from Kelantan, a region in Malaysia. Regarding his parents, researchers have yet to find any information, and even his descendants are unable to provide details. However, it is certain that he came from a well-off and respected family, as he pursued his education in the Middle East, allowing him to be part of the network of *ulama* in the Nusantara region. He was a close associate of Mufti Basuni Imran. Abdurrahman Al-Kelantani was the founder of *Pondok Darussalam*, a religious school specifically for male students. According to M. Tahir, the Islamic boarding school he established was called *Darul Ulum*, and his students came from Mempawah and surrounding areas such as Penibung, Sungai Kunit, Sungai Bundung, Semudun, Sengkubang, Antibar, Mendalok, Pasiran, and others. One of his students, Wan Shaghir Abdullah, later founded *Pondok Pesantren Fataniyah* and recruited alumni from Darussalam as teachers at Fataniyah.²⁶

Haji Abdurrahman bin Husin Al-Kelantani studied under Tok Kenali, also known as Muhammad Yusof bin Ahmad. Tok Kenali was a title given by the Malay community in recognition of his vast knowledge and noble character. He was also honored with the title *Tok Guru*, which signifies expertise in a particular

²⁶ M. Tahir, *Sejarah Dakwah Islam di Kalimantan (Studi Pendekatan dan Jaringan)* (Bening Media Publishing, 2022).

field of knowledge. Tok Kenali established an Islamic school called *Pondok Kenali*, where various disciplines were taught, including grammar, Arabic morphology, theology, Islamic law, Sufism and interpretation, science, and history.

The efforts made by Abdurrahman Al-Kelantani as a prominent scholar and mufti in Mempawah successfully clarified and enhanced the religious understanding and practice of the Mempawah community and its surroundings. He contributed significantly in the fields of religion, education, and scholarship. His contributions to religious development began in the Kingdom of Sambas and continued in the Kingdom of Mempawah. In the field of education, he established the *Darussalam* or *Darul Ulum* Islamic boarding school, where his students played a crucial role in continuing his legacy as educators in various religious schools across Mempawah. In terms of scholarly works, only one known manuscript has been found—a *fiqh* text focusing on Islamic jurisprudence related to worship.

c. Historical Traces of Abdurrahman Al-Kelantani's Fiqh Legal Thought

The issues discussed in the manuscript *Qawaninul Muftadi fil Fiqh* are divided into 23 chapters, covering: water, *istinja'* (ritual cleansing after using the toilet), *wudu* (ablution), intention, matters that become prohibited when *wudu* is invalidated, *ghusl* (ritual bath) for major impurity, matters prohibited due to *janabah* (major ritual impurity), *tayammum* (dry ablution), impurities, menstruation, prayer, congregational prayer, imam, *masbuq* and *muwafiq* (latecomers and those following the imam correctly), fasting, *zakat* (almsgiving), *haji* (pilgrimage), prohibited places for eating and drinking, clothing, permissible matters, animals, and finally, a chapter on the deceased.

The first chapter discusses water. Water is categorized into four types based on its condition. 1) Pure water that can be used for purification or ablution, known as *air mutlak* (absolute water). 2) Pure water that is *makruh* (discouraged) for purification, as it has been heated by the sun. 3) Pure water that cannot be used for purification, because it has already been used to remove ritual impurity (*badas*) or to cleanse impurities (*najis*). 4) Water

considered impure (*najis*), as it does not meet the required volume of *dua kullah* (approximately 55 cubic centimeters). The classification of water is further explained in a question-and-answer format, asking: *What type of water is valid for purification, washing a deceased body, and removing impurities?* The water that can be used for these purposes is *air mutlak*, which includes rainwater and water sourced from the ground. On the other hand, water that is not valid for purification includes as follows. Water that has already been used to remove *badas* or wash a deceased body. Water that has been used to cleanse *najis*. Water that has changed in taste, color, or smell.

The second chapter discusses *istinja'*, which is the act of cleansing oneself from liquid impurities that exit from either of the two private parts before performing prayer. *Istinja'* should be done using *air mutlak* (pure water) until the affected area feels clean. This purification must meet seven conditions: the impurity does not spread beyond the buttocks and does not exceed the amount of urine, the impurity remains in its original place and does not transfer elsewhere, the impurity is continuous (not intermittent), the impurity has not dried up, the impurity has not been mixed with another impurity, the cleansing is done using three sides of a single stone, it is preferable to cleanse with three separate stones.

The third chapter discusses *wudu* (ablution), which involves washing the face, hands, head, and feet with water. The validity of *wudu* depends on ten conditions: being Muslim, being *mumayyiz* (having the ability to distinguish right from wrong), using *air mutlak* (pure water), having the intention to remove ritual impurity (*badas*), not being in a state of menstruation or touching the private parts, ensuring nothing prevents water from reaching the body parts being washed, water must flow over the washed body parts, knowing which body parts must be washed, being able to distinguish between obligatory (*fardu*) and recommended (*sunnah*) acts of *wudu*, being certain that water has reached all required body parts. There are six obligatory (*fardu*) acts of *wudu*: intending in the heart to perform *wudu* for purification from *badas*, washing the face, from the hairline to the bottom of the chin, including both ears and any hair within this area, washing both hands up to the

elbows, including any hair present, wiping the head, even if only a part of a single hair within the head's boundary or crown is moistened, washing both feet up to the ankles, ensuring water reaches all hair, skin, and any cracks in the heels that if there is a thorn lodged in the foot, it must be removed, performing *wudu* in the correct order.

The fourth chapter discusses intention (*niat*). There are five conditions for a valid intention: being Muslim, being *mumayyiz* (able to distinguish between good and bad), knowing what is being intended, firmly establishing the intention, avoiding *ta'liq* (conditional statements) or words that negate the intention. The fifth chapter discusses things that invalidate *wudu*. There are four acts that nullify *wudu*: anything that exits from the front (*qubul*) or back (*dubur*), loss of consciousness (due to insanity, intoxication, or sleep), skin-to-skin contact between a man and a woman who are not *mahram* and have reached puberty, without any barrier, direct hand contact with private parts without a covering.

The sixth chapter discusses prohibited actions when *wudu* is invalidated. There are five actions that cannot be performed in a state of invalid *wudu*: performing prayer (*sholat*), including *sujud tilawah* (prostration of recitation) and *sujud syukur* (prostration of gratitude), performing *tawaf* (circumambulation of the Kaaba), delivering the Friday sermon (*khutbah Jumat*), touching the Quran, carrying the Quran, except in cases of necessity. The seventh chapter discusses ritual bathing (*mandi hadas*). There are six conditions that require a person to perform *mandi hadas*: the release of semen, even if occurring alone; the insertion of the male organ into the female organ, even if only the tip, regardless of whether ejaculation occurs; the death of a Muslim, except for a martyr or a miscarried fetus that has not yet developed life and form; the completion of menstruation (*haid*); the completion of postpartum bleeding (*nifas*), Childbirth (*wiladah*), even if no blood is discharged. This chapter also explains the signs of semen (*mani*), which include: being expelled with forceful spurts; its release being accompanied by intense pleasure; having a scent similar to wheat flour when wet and resembling egg whites when dry.

The eighth chapter discusses prohibited actions due to *janabah* (a state of major ritual impurity). There are seven

prohibited actions: performing prayer (*sholat*); performing *tawaf* (circumambulation of the Kaaba); delivering the Friday sermon (*khutbah Jumat*); touching the Quran; carrying the Quran; reciting the Quran; remaining inside a mosque or sitting in a state of *tuma'ninah* (calmness) unless in an emergency. After discussing *janabah*, the chapter continues with the conditions for a valid *mandi hadas* (ritual bathing for purification): being Muslim; being *mumayyiz* (able to distinguish between right and wrong); using *air mutlak* (pure water); intending to purify oneself from ritual impurity (*hadas*); not being in a state of ongoing semen discharge; ensuring nothing obstructs water from reaching the body; water must cover the entire body; knowing the correct procedure for *mandi hadas*; being able to distinguish between obligatory (*fardu*) and recommended (*sunnah*) acts of bathing. The two essential acts (*rukun*) of *mandi hadas* are having the intention (*niat*) and ensuring water flows over the entire body, including the exposed anus during defecation and the female private part when sitting with legs spread apart. The chapter concludes by discussing whether it is obligatory to remove impurities (*najis*) from the body before *mandi hadas*.

The ninth chapter discusses *tayammum* (dry ablution), beginning with the reasons that allow a person to perform it. There are three conditions that permit *tayammum*: the inability to find water; a medical condition that worsens if exposed to water; the available water is needed for animals to drink, and withholding it would lead to their death. The conditions for a valid *tayammum* include 13 requirements: being Muslim; being *mumayyis* (able to distinguish right from wrong); having no obstacles preventing *tayammum*; having no barriers on the body parts to be wiped; the body must be free from impurities (*najis*); knowing the proper procedure for *tayammum*; using earth or dust-containing soil; using soil that is permissible for purification; transferring the dust to the body parts that must be wiped; having the intention (*niat*); being able to differentiate between obligatory (*fardu*) and recommended (*sunnah*) acts of *tayammum*; performing *tayammum* after the prayer time has entered; having searched for water but not found any. The obligatory (*fardu*) acts of *tayammum* include intention, wiping

the face and both hands 2–3 times, performing the steps in the correct order.

The tenth chapter discusses impurity (*najis*), which refers to substances that prevent the validity of prayer due to their unclean nature. These include human and animal excrement and urine, semen (*mani*) that is discharged with slight arousal, water that has changed in odor due to impurity, vomit. Intoxicating substances, alcohol, milk from animals whose meat is not permissible to eat. However, the following are not considered *najis*: human breast milk, locusts, fish. Types of *najis* are classified into three categories: light impurity (*najis mukhafafah*) – This includes the urine of a baby boy under two years old who is exclusively breastfed, severe impurity (*najis mughalazah*) – This includes impurities from dogs and pigs, moderate impurity (*najis mutawassitah*) – This includes all other types of impurity not covered in the first two categories.

Chapter Eleven discusses menstruation, postpartum bleeding, and abnormal bleeding. Menstruation refers to the blood that exits from a woman's *farji* (private part) during a specific period. The earliest age a girl can begin menstruation is nine years old. The maximum duration of menstruation, where the private part is continuously covered in blood, is fifteen days, while the usual duration is six to seven days. Postpartum bleeding (*Nifas*) is the blood discharged from a woman's womb after childbirth. The duration of *nifas* ranges from forty to sixty days. Abnormal bleeding (*Istihadah*) refers to blood discharged due to illness, occurring outside the normal periods of *haid* and *nifas*. Women experiencing *istihadah* must still fulfill their religious obligations, such as prayer and fasting. Thirteen Prohibitions are during *Haid* and *Nifas*: performing *sholat* (prayer), fasting, touching the Quran, holding the Quran, reciting the Quran, staying inside a mosque, remaining in a mosque for an extended period, entering a mosque, engaging in sexual intercourse (*jima'*), physical contact between the navel and knees, intending to purify oneself from *hadass* for worship purposes, the final prohibition is divorce (*talaq*).

Chapter Twelve is prayer. Beginning with the obligatory conditions for prayer (*syarat wajib shalat*) and continuing to the topic of Friday prayer. Six Conditions make prayer obligatory:

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being a Muslim, reaching the age of maturity, being of sound mind, being free from menstruation (haid) and postpartum bleeding (nifas), having the ability to hear and see (tamyiz, the ability to distinguish right from wrong), having received the call of the Prophet Muhammad (peace be upon him), meaning being aware of the obligation of shalat. Conditions for the Validity of Prayer must be met the following conditions: being a Muslim, having tamyiz (the ability to distinguish right from wrong), being able to differentiate between obligatory (fard) and recommended (sunnah) acts, being pure from minor and major ritual impurities (hadas), being free from unexcused impurities (najis) on the body, clothing, and place of prayer, knowing that the time for prayer has begun, covering the aurat for men between the navel and knees while women covering the entire body except the face and hands, facing the Qiblah, avoiding acts that invalidate prayer.

The Final Discussion in Article Twelve is on Friday Prayer. Those who are obligated to perform the Friday prayer are those who reside in an established community, congregation of at least forty people, muslims, males, free individuals (not enslaved), those who have reached puberty, those of sound mind, those without a valid excuse, those staying in a place for at least four days. For the Friday prayer to be valid, the following conditions must be met the presence of two sermons. The prayer must be performed in congregation. The two sermons must meet the following requirements: it is delivered in Arabic; the preacher (khatib) must be able to stand while delivering the sermon, the preacher must sit between the two sermons, the sermons must be delivered at the time of Dhuhr, there must be continuity between the two sermons, the preacher must be in a state of ritual purity, the preacher must cover their awrah, there must be a congregation of at least forty people.

Article thirteen is on Congregational Prayer. This section discusses only the conditions for a valid congregational prayer: the follower must intend to pray in congregation and follow the imam, the follower must be aware of the imam's actions and not move between different positions, the follower must synchronize their actions with the imam's movements, the imam and the follower must be in the same place, the follower must not stand

in front of the imam, the follower must not perform any action before the imam, the imam must surpass the follower in knowledge, practice, and piety, the imam must be fit to lead the prayer, the imam must not be illiterate in reciting the Qur'an. Article Fourteen is on the Imam.

Article Fifteen is on Masbuk and Muwafiq. A masbuk is a follower who joins the prayer after the imam has already started reciting Al-Fatihah. A muwafiq is a follower who joins the prayer while the imam is still standing and reciting Al-Fatihah. There are three conditions for a follower. A makmum who says takbiratul ihram while the imam is in the bowing position (ruku'). A makmum who says takbiratul ihram while the imam is saying takbir and then follows him into ruku'. A makmum who joins the prayer while the imam is standing but has not yet completed their own recitation of Al-Fatihah, then follows the imam into ruku'. In this case, the makmum must repeat Al-Fatihah later because the rak'ah is considered incomplete if Al-Fatihah was not fully recited.

Article Sixteen is on Those Obligated to Fast. Fasting is obligatory for those who meet the following criteria. They are Muslim. They have reached puberty. They are of sound mind. They are physically capable of fasting. Additionally, they must fulfill the conditions for a valid fast: knowing the designated fasting time, being Muslim and of sound mind, being free from menstruation and postpartum bleeding. The next discussion is pillars of fasting. The key pillars of fasting include refraining from anything that invalidates the fast, having the intention to fast, the person conducting fasting. Acts invalidate the fast. The following actions break the fast: consuming anything (food, drink, medicine, etc.) intentionally through the mouth or other openings; inserting medicine into the private parts; vomiting intentionally; engaging in sexual intercourse (jima') deliberately; ejaculating due to physical stimulation; menstruation; postpartum bleeding (nifas); losing sanity (becoming insane); apostasy (leaving Islam). Fasting is forbidden on the following days: Eid al-Fitr, Eid al-Adha, the three Tashreeq days in the month of Dhul-Hijjah (11th, 12th, and 13th), the second half of Sha'ban (after the 15th),

the Day of Doubt (Yaum Syak)—the 30th of Sha’ban when the beginning of Ramadan is uncertain

Article Seventeen is on Zakat. This section discusses zakat in various categories, including Zakat on livestock (camels, buffalo, cows, and sheep/goats—both domestic and wild), Zakat on jewelry (gold and silver), Zakat on agricultural produce (such as rice, corn, and wheat), Zakat on fruits (such as dates and raisins). Conditions for the Obligation of Zakat on Livestock. For a livestock owner to be obligated to pay zakat, they must meet the following conditions: Be Muslim, be free (not enslaved), own the livestock, reach the minimum zakat threshold. The livestock must be freely grazing in pasture and must be at least one year old. Zakat thresholds for Livestock: 30 buffalo or cows → Zakat: 1 calf (at least two years old), 40 sheep/goats → Zakat: 1 sheep (over one year old for domestic sheep, over two years old for wild goats), 121 sheep/goats → Zakat: 2 sheep, 201 sheep/goats → Zakat: 3 sheep, 400 sheep/goats → Zakat: 4 sheep. If the number of livestock falls between these specified thresholds, zakat is exempted for the additional animals.

This article concludes with a discussion on Zakat al-Fitr, covering the obligatory conditions, who is required to pay it, and who is eligible to receive it. Zakat al-Fitr is obligatory for those who meet the following conditions: being Muslim, present during one part of the month of Ramadan and one part of the month of Shawwal, having excess food for one day and one night on the day of Eid, being free (not enslaved). Zakat al-Fitr must be paid by a person for both themselves and their family members. The amount is measured as four handfuls of food using the hands of an adult man (approximately 2.5 kg or 3.5 liters of staple food, such as rice).

This eighteenth article discusses the obligation of Hajj, its pillars (rukun), mandatory acts, prohibitions during ihram, the penalties for violating ihram, and the difference between pillars and mandatory acts of Hajj. Hajj is obligatory for those who meet the following conditions: being Muslim, having reached puberty, being of sound mind, being free (not enslaved), having the financial means to perform Hajj, ensuring that the dependents left behind have sufficient provision, giving the intention to repay

9 debts. The pillars of Hajj are essential acts that must be performed; if any are omitted, the Hajj is invalid. They include intention, standing at Arafah, circumambulating the Kaaba, walking seven times between Safa and Marwah, shaving or trimming the hair, observing the correct sequence. Next is mandatory Acts of Hajj. These acts must be performed, but if missed, they can be compensated with a sacrificial penalty. They include entering the state of ihram (with the intention of Hajj), stoning the Jamarat (throwing pebbles at the stone pillars), staying overnight (mabit) in Muzdalifah. While in the state of ihram, the following actions are forbidden: wearing stitched clothing (for men), covering the head (for men) or covering the face (for women), removing body hair, cutting nails, using perfume, killing animals, performing a marriage contract, engaging in sexual intercourse deliberately, touching a woman with lustful intent. If a person violates the rules of ihram, they must pay a compensatory sacrifice, except for engaging in sexual intercourse which invalidates the Hajj entirely. There are differences between pillars and mandatory Acts of Hajj. If pillars are omitted, the Hajj is invalid because these acts cannot be compensated with dam. If mandatory acts are omitted, the Hajj is still valid, but the person must pay dam as compensation.

This nineteenth article discusses the prohibition of eating and drinking using gold and silver utensils, except in cases of necessity. This is the shortest article among the twenty-three discussed. Next, article twentieth is about clothing, gold, and medicine. This article covers rules regarding clothing, gold, and medicinal use. It is prohibited for men to wear silk, except in cases of necessity. It is forbidden for men to wear gold rings, except for: replacing a missing nose, reattaching a severed finger, replacing a damaged tooth. It is prohibited to use medicine made from impure substances unless there is no alternative treatment available.

Article twenty-one discusses halal, beginning with the permissibility of slaughtering animals due to illness or hunger, even if their blood does not spurt out during slaughter and they do not struggle strongly. Those who are permitted to perform slaughter include Muslims, adults, Jews, Christians, the insane,

intoxicated individuals, and children who have not yet reached discernment (mumayyiz). There are four essential requirements (ruk'n) for slaughtering: the person performing the slaughter, the animal being slaughtered, the tool used, and the prohibition of using teeth, nails, or bones for slaughtering. The proper method for slaughtering domesticated animals is by making a stable incision in the throat. For wild animals, slaughtering can be done wherever possible, as long as the cut is stable, the blood spurts out, and the animal makes its final movements. It is permissible to eat hunted animals provided that the hunting animal is trained, follows commands, does not eat the prey, and is under the supervision of a veterinarian.

Article twenty-two discusses permissible and prohibited animals. Every animal that the Arabs traditionally eat is considered halal unless there is a specific religious text prohibiting it. Conversely, any animal that the Arabs traditionally do not eat is considered haram unless there is a religious text permitting it. Predatory animals with sharp claws that can cause harm, such as tigers, eagles, and others, are prohibited from consumption.

Article twenty-three, as the concluding article, discusses the treatment of the deceased. It begins with the question of whether washing, shrouding, performing the funeral prayer, and burying a deceased Muslim is a communal obligation (fard kifayah) or an individual obligation (fard ain). All of these acts fall under fard kifayah. The deceased should be washed by ensuring water reaches the entire body and shrouded in a single layer of cloth that was used during their lifetime. The funeral prayer (salat al-janazah) consists of the following essential elements: four takbirs, the intention (niyyah) accompanied by the first takbir, standing for those who are able, reciting Al-Fatihah after the first takbir, reciting salutations (salawat) upon Prophet Muhammad (peace be upon him) after the second takbir, making supplications after the third takbir, followed by another takbir and the final salutation (salam).

d. The Role of the *Qawaninul Mubtadi Fil Fiqh* Manuscript in Mempawah Malay Society

The manuscript *Qawaninul Mubtadi Fil Fiqh* reflects an effort to address the challenges faced by Muslim communities in understanding and applying religious practices, particularly when encountering diverse interpretations or practical uncertainties. This *fiqh* manuscript is significant because it systematically explains the fundamental and essential religious practices that Muslims must observe, especially the Malay community of Mempawah at that time.

This manuscript played a social role in the lives of the Malay community in Mempawah. In various cases related to Islamic law, it served as a reference for judges, scholars, and community leaders in making legal decisions at the time. This indicates that *Qawanin al-Mubtadi' fi al-Fiqh* was not only an academic text but also a practical guide for daily life. The influence of this book remains evident today, particularly in Islamic traditions in Mempawah and the surrounding regions. Preserving this manuscript is crucial for understanding the development of Islamic law in the Malay world and how Islamic values have been adapted within the local social and cultural context.

The manuscript *Qawanin al-Mubtadi' fi al-Fiqh* functions as an applicative legal reference in addressing mu'amalah issues within the Malay community of Mempawah by regulating aspects of halal (unforbidden) and haram (forbidden), zakat (mandatory gifts out of one's wealth), wealth management, and consumption ethics. The discussion of zakat on livestock, agricultural produce, jewelry, and zakat al-fitr demonstrates the manuscript's role as a guide for wealth governance and economic distribution based on Shari'ah values. Provisions concerning food, beverages, clothing, medicines, and the use of gold and silver emphasize the role of this text in shaping everyday mu'amalah ethics that are relevant to Malay social and cultural conditions.²⁷ The dialogic question-and-answer format further reinforces the manuscript's position as a

²⁷ Nur Hamzah, Sangkot Sirait, and Zulkipli Lessy, "Religion, Lifestyle, and Identity Affirmation within Middle Class Malay Muslims in Pontianak of West Borneo," *Al-Albab* 11, no. 1 (June 2022): 121–38, <https://doi.org/10.24260/alalbab.v11i1.2221>.

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practical reference that facilitates the community's understanding and application of mu'āmalah fiqh in accordance with the Shāfi'i school framework.

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The manuscript also makes an important contribution as a reference for family law within Malay society, particularly in relation to domestic relations, the status of women, and household life. Discussions of menstruation (ḥayḍ), postpartum bleeding (nifās), irregular bleeding (istiḥāḍah), major ritual impurity (janābah), and their legal consequences provide normative guidance on the limits of worship, marital relations, and the validity of religious practices within the family sphere. The emphasis on the prohibition of divorce (ṭalāq) during menstruation and postpartum bleeding demonstrates the author's sensitivity to the orderliness of family law and the protection of women's rights. The explanation of purification obligations and their impact on the performance of worship and family relations positions this manuscript as a contextual and operational reference for family fiqh in the daily life of the Malay community of Mempawah.

The position of the manuscript as a reference for mu'āmalah and family law is reinforced by the authority of Abdurrahman Husin al-Kelantani as the mufti of the Amantubillah Sultanate of Mempawah, who was directly involved in guiding the community and issuing legal opinions (fatwas). The use of the Malay language written in Pegon script reflects an effort to contextualize Islamic law so that it could be easily understood and harmonized with local customs during the transitional period from Hindu traditions to Islam. The emphasis on public welfare (maṣlaḥah), alignment with the opinions of the jumhūr al-fuqahā', and the dominance of the Shāfi'i school render this manuscript an instrument of legal legitimacy in resolving social, economic, and family issues. The position of the manuscript is therefore not limited to a text of ritual worship alone, but extends to a practical legal guide that shaped the mu'āmalah order and family life of the

Malay community within the framework of Sharī'ah and local custom.²⁸

The manuscript *Qawānīn al-Mubtadi' fī al-Fiqh* demonstrates its role as a foundational legal reference through detailed provisions related to ritual practices and their social consequences that fall within the authority of muftis, religious judges, and community leaders. The discussions of menstruation (ḥayḍ), postpartum bleeding (nifās), and irregular bleeding (istiḥāḍah), including the prohibition of divorce (ṭalāq) during menstruation and postpartum bleeding, can serve as legal considerations in resolving household disputes. Explanations of the time limits of menstruation and postpartum bleeding, as well as the legal status of women experiencing istiḥāḍah, provide normative clarity in determining the validity of acts of worship, marital relations, and family law implications. These provisions enable religious decision-makers to issue rulings that are consistent with the principles of Shāfi'ī fiqh when addressing domestic cases that arise within the Malay community of Mempawah.

The function of the manuscript as a reference for decision-making is also reflected in its discussion of mu'āmalah related to zakat, ownership, and the distribution of wealth. The elaboration of the conditions for the obligation of zakat, the niṣāb for livestock, agricultural produce, and jewelry, as well as the categories of zakat recipients, provides normative guidance for community leaders in determining the religious economic obligations of the community. These provisions can be used to resolve differences of opinion regarding zakat obligations,

²⁸ Zaimuariffudin Shukri Nordin et al., "Integrating Islamic Law and Customary Law: Codification and Religious Identity in the Malay Buyan Community of Kapuas Hulu," *Journal of Islamic Law* 6, no. 1 (February 2025): 89–111; Vhadia Yolanda, Ardiansyah, and Ari Widiyawati, "Beyond Formal Metrology: The Socio-Legal Construction of Traditional Measurement in Shellfish Trading within a Muslim Coastal Community in Tempurukan," *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 2 (November 2025): 111–31; Munawar Munawar et al., "A Dialog Between Islamic Law and Adat (Customary Law) in the Social Context of West Kalimantan, Indonesia," *Al-'Adalah* 22, no. 1 (June 2025): 323–46.

ownership of business proceeds, and the determination of eligible zakat recipients at the local level. The clarity of fiqh norms arranged systematically demonstrates that this manuscript functions as a practical reference for religious authorities in managing the economic aspects of society.

The role of the manuscript as a legal reference is also evident in its regulation of collective acts of worship that affect the social order, such as the performance of Friday prayer (*ṣalāt al-jum‘ah*), the appointment of imams, and the organization of congregations. Provisions concerning the minimum number of congregants, the requirements for the *khaṭīb*, and the criteria for an imam serve as a basis for community leaders in determining the validity of Friday prayer and the legitimacy of ritual leadership. Rules regarding the positions of the imam (a person leads a prayer for a group of people) and the congregation, as well as provisions for *masbūq* and *muwāfiq* worshippers, can be used as guidelines in addressing differences in worship practices within the community. The presence of clear and detailed regulations in the manuscript affirms its function as a normative reference in maintaining the order of worship and socio-religious harmony.

Conclusion

The work of Abdurrahman Al-Kelantani, *Qawāninul Muḥtadī Fil Fiqh*, is a valuable scholarly heritage, both in its time and in the present. The uniqueness of this manuscript lies in its clear and easily understandable presentation of practical *fiqh* material. Additionally, the manuscript predominantly follows the *Shafi‘i* school of *fiqh* and the consensus of the majority of jurists (*jumhur fuqaha’*), as can be inferred from the descriptions in each chapter outlined by the *mufti*. Objectively, researchers understand that the entire explanation of *fiqh* in this manuscript is written in the form of pure *fiqh*. This means that the aspects of *fiqh* as a legal foundation and as a means of understanding Islamic law in a practical manner are the primary focus of the author in elaborating on the contents of the manuscript. This characteristic made the work particularly beneficial for society at the time, especially as they were transitioning from Hindu doctrines to Islamic teachings.

Research Limitation

This research has several limitations that need to be considered academically. Including its reliance on a single primary manuscript without comparative analysis with contemporary Malay fiqh manuscripts or those from other regions, thus limiting the mapping of its position in the intellectual tradition of Malay fiqh in the archipelago. The condition and accessibility of the manuscript also hindered a comprehensive critical philological study, such as tracing text variants and comparing manuscripts, so that the analysis focused more on the content and context of the author's fiqh thinking. In addition, this study has not yet examined in depth the socio-historical aspects related to the acceptance, use, and practice of the book in the Mempawah community and other Malay regions, because the main focus is on the normative dimensions of fiqh, the Shafi'i school of thought, and the references of *jumhūr al-fuqahā'*.

Interdisciplinary approaches such as legal anthropology and the sociology of religion have also not been deeply integrated, so that the relationship between fiqh texts and the social, cultural, and political dynamics of the Mempawah Sultanate in the 20th century has not been fully elaborated. Another limitation is the absence of a systematic comparison between the fiqh thinking of Abdurrahman Husin al-Kelantani and his contemporaries in various regions of the archipelago, which has resulted in descriptive analyses of scientific networks and intellectual influence. Therefore, this research is expected to serve as a starting point for more in-depth, comparative, and interdisciplinary follow-up studies to enrich our understanding of the history and development of Malay fiqh in the archipelago.

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